

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

FILED - CLERK
U.S. DISTRICT COURT
05 MAY 24 AM 8:36
TX EASTERN - BEAUMONT
BY Adelle Menui

DEMETRIUS WASHINGTON

§

v.

§

CIVIL ACTION NO. 9:04cv150

P.A. SETTLES, ET AL.

§

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Plaintiff Demetrius Washington, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

On March 23, 2005, the Magistrate Judge issued an order directing payment of the balance of the filing fee, as required by 28 U.S.C. §1915(b). A copy of this order was sent to Washington at his last known address, but was returned as undeliverable, with the inscription "Return to Sender."

On April 26, 2005, the Magistrate Judge issued a Report recommending that the lawsuit be dismissed without prejudice for failure to prosecute. A copy of this Report was sent to Washington at his last known address, return receipt requested, but no objections have been received; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

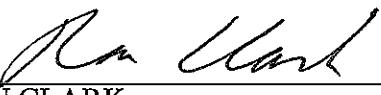
The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge and has determined that this Report is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled lawsuit be and hereby is DISMISSED without prejudice for failure to prosecute. It is further

ORDERED that any and all motions which may be pending in this cause are hereby DENIED.

SIGNED this 27 day of May, 2005.



RON CLARK
UNITED STATES DISTRICT JUDGE